

# Notice of Allowability

Application No.

10/020,968

Examiner

Habte Mered

Applicant(s)

SCHMIDT, STEVEN G.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 3/23/2007.
2. ☒ The allowed claim(s) is/are 1, 4, 5, 7-14, 16-18 and 23-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |                                                                                                                               |                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                                              | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                          | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>3/23/2007</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                    | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|                                                                                                                               | 9. <input type="checkbox"/> Other _____                                               |

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1, 4, 5, 7-14, 16-18 and 23-35 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. **Claims 1, 4, 5, and 7-9** are allowable over the prior art of record since the reference cited in the IDS filed on 3/23/2007, US 6, 091, 707 to Egber et al, fails to particularly teach or suggest a deferred header queue containing entries having destination and buffer address information for data to be deferred, with entries for data addressed to multiple destination ports being intermingled within deferred header queue along with a header select device that has an initial and deferred state. It is noted that the reference cited in the IDS filed on 3/23/2007, US 6, 091, 707 to Egber et al, teaches queuing and de-queuing circuits to transmit partially received data to prevent under-flow condition.
4. **Claims 10-14, 16, and 17** are allowable over the prior art of record since the reference cited in the IDS filed on 3/23/2007, US 6, 091, 707 to Egber et al, fails to particularly teach or suggest a deferred queue device that contains a deferred header queue device for storing frame information for packets/frames being deferred, the deferred header queue device containing information for packets/frames addressed to more than one destination port. It is noted that the reference cited in the IDS filed on 3/23/2007, US 6, 091, 707 to Egber et al, teaches queuing and de-queuing circuits to transmit partially received data to prevent under-flow condition.

5. **Claims 18 and 23-25** are allowable over the prior art of record since the reference cited in the IDS filed on 3/23/2007, US 6, 091, 707 to Egber et al, fails to particularly teach or suggest a method for temporarily deferring transmission of data to a destination port in a buffered switch includes the step of deferring transmission of the data when the determining step determines that the destination port is not available to receive the data by storing entries including destinations for the data to be deferred in a deferred header queue simultaneously containing entries corresponding to data addressed to different destination ports. It is noted that the reference cited in the IDS filed on 3/23/2007, US 6, 091, 707 to Egber et al, teaches queuing and de-queuing circuits to transmit partially received data to prevent under-flow condition.

6. **Claims 26-34** are allowable over the prior art of record since the reference cited in the IDS filed on 3/23/2007, US 6, 091, 707 to Egber et al, fails to particularly teach or suggest a data switch having a plurality of output ports and containing a deferred header queue in which destination entries for data for a plurality of different output ports having a negative transmission status are tracked and a backup header\_queue in which destination entries for newly received data are queued when destination entries in the deferred header queue are being processed. It is noted that the reference cited in the IDS filed on 3/23/2007, US 6, 091, 707 to Egber et al, teaches queuing and de-queuing circuits to transmit partially received data to prevent under-flow condition.

7. **Claim 35** is allowed over the prior art of record since the reference cited in the IDS filed on 3/23/2007, US 6, 091, 707 to Egber et al, fails to particularly teach or suggest a data switch having a plurality of destination ports and containing a deferred

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header queue that stores destination entries for data being deferred, the deferred header queue containing entries for data addressed to more than one destination port. It is noted that the reference cited in the IDS filed on 3/23/2007, US 6, 091, 707 to Egber et al, teaches queuing and de-queuing circuits to transmit partially received data to prevent under-flow condition.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Habte Mered whose telephone number is 571 272 6046. The examiner can normally be reached on Monday to Friday 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on 571 272 7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HM  
4-1-2007

KWANG BIN YAO  
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'K. B. Yao', is written over the printed name and title.